

**A CERTIFIED TRUE COPY**

AUG 21 2007

ATTEST *Mark B. Stewart*  
FOR THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATIONJUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

AUG - 3 2007

FILED  
CLERK'S OFFICE.

07 CIV 763

3:07-cv-556

**UNITED STATES JUDICIAL PANEL ON MULTIDISTRICT LITIGATION****MDL NO. 1789**FLD  
S.D. of NY  
8/28/07**IN RE Fosamax Products Liability Litigation****(SEE ATTACHED SCHEDULE)****CONDITIONAL TRANSFER ORDER (CTO-31)**

On August 16, 2006, the Panel transferred four civil actions to the United States District Court for the Southern District of New York for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 444 F.Supp.2d 1347 (J.P.M.L. 2006). Since that time, 64 additional actions have been transferred to the Southern District of New York. With the consent of that court, all such actions have been assigned to the Honorable John F. Keenan.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Southern District of New York and assigned to Judge Keenan.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Southern District of New York for the reasons stated in the order of August 16, 2006, and, with the consent of that court, assigned to the Honorable John F. Keenan.

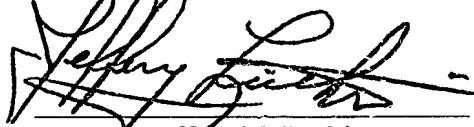
This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Southern District of New York. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is pending at this time, the stay is lifted.

AUG 21 2007

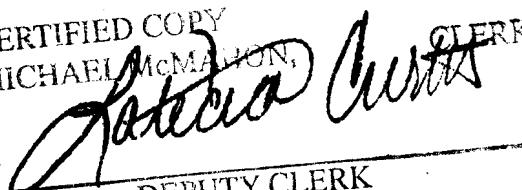
CLERK'S OFFICE  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

FOR THE PANEL:



Jeffery N. Lüthi  
Clerk of the Panel

A CERTIFIED COPY  
J. MICHAEL McMAHON

BY   
DEPUTY CLERK

**SCHEDULE CTO-31 - TAG-ALONG ACTIONS**

**MDL NO. 1789**

**IN RE Fosamax Products Liability Litigation**

DIST. DIV. C.A. #      CASE CAPTION

**CALIFORNIA EASTERN**

CAE 2 07-1410

Steven Felgenhauer v. Merck & Co., Inc.

CAE 2 07-1414

Sandra Green v. Merck & Co., Inc.

**FLORIDA MIDDLE**

FLM 3 07-556

Dolores Hussmann v. Merck & Co., Inc.

**GEORGIA NORTHERN**

GAN 1 07-1502

Elizabeth Forsling v. Merck & Co., Inc.

**NEW JERSEY**

NJ 3 07-3285

Susan A. Unruh v. Merck & Co., Inc.

**INVOLVED COUNSEL LIST (CTO-31)**  
**MDL NO. 1789**  
**IN RE Fosamax Products Liability Litigation**

Clifford Lee Carter  
Clayeo C. Arnold, PLC  
608 University Avenue  
Sacramento, CA 95825

Joseph V. Gibson, IV  
Law Office of Joseph V. Gibson, PC  
2900 Weslayan  
Suite 580  
Houston, TX 77027

M. King Hill, III  
Venable, LLP  
210 Allegheny Avenue  
Towson, MD 21204

Katharine R. Latimer  
Spriggs & Hollingsworth  
1350 I Street, N.W.  
9th Floor  
Washington, DC 20005

Scott D. McAlpine  
Schreeder, Wheeler & Flint, L.L.P.  
1100 Peachtree Street, NE  
Atlanta, GA 30309-4516

Timothy M. O'Brien  
Levin Papantonio Thomas, et al.  
316 S. Baylen Street, Suite 600  
P.O. Box 12308  
Pensacola, FL 32591

Christopher A. Seeger  
Seeger Weiss  
One William Street  
10th Floor  
New York, NY 10004-2502

Linda Laurent Thomas  
Thomas & Wan, LLP  
909B West Main  
Houston, TX 77006

Terry O. Tottenham  
Fulbright & Jaworski, L.L.P.  
600 Congress Avenue  
Suite 2400  
Austin, TX 78701-2011